

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

MICHAEL E. KELLY, *et al.*,

Plaintiffs,

v.

THE UNITED STATES,

Defendant.

No. 21-1949C  
(Judge Kathryn C. Davis)

**UNOPPOSED MOTION OF PLAINTIFFS FOR SCHEDULING ORDER RE:  
MOTION FOR LEAVE TO AMEND COMPLAINT**

The Government previously filed a Motion to Dismiss Plaintiffs' Complaint on December 16, 2022. ECF No. 16. Subsequently, an unopposed Motion to Substitute Plaintiffs' Counsel was granted on January 26, 2023, and Plaintiffs' Response to the Government's Motion to Dismiss is due by March 6, 2023. *See* ECF No. 22 (docket text entry).

Plaintiffs intend to file a Motion for Leave to Amend the Complaint and have communicated their position to the Government. All parties agree that in the interest of judicial economy, briefing on the Government's Motion to Dismiss should be held in abeyance pending an outcome on Plaintiffs' motion.

Accordingly, Plaintiffs respectfully request that the Court suspend briefing on the Government's pending Motion to Dismiss and propose the following briefing schedule, which has been approved by the Government<sup>1</sup>:

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<sup>1</sup> By email with Anthony F. Schiavetti, counsel for the United States.

<b><u>ACTION</u></b>	<b><u>DATE</u></b>
Plaintiffs' Motion for Leave to Amend	March 6, 2023
United States Response	April 21, 2023
Plaintiffs' Reply	May 5, 2023
Joint Status Report re Further Proceedings	14 days after order on motion

Respectfully submitted,

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